

REMARKS/ARGUMENTS

Original claims 1 to 20 have been canceled. New claims 21 to 24 have been added. These new claims are identical to claims 83, 84, 86, and 87 that were finally rejected in the parent application. No new matter has been added, the new claims being supported by i.a. page 2, line 25 to page 5, line 25; page 10, lines 17 to 29; page 9, line 22 to page 10, line 13; and page 19, lines 1 to 7 of the specification.

On page 3 of the Final Office Action of the parent application, mailed August 26, 2003, claims 83, 84, 86, and 87 (among others) corresponding to claims 21 to 24 in this divisional application, were rejected under 35 U.S.C. §103(a) as being unpatentable over Speer et al. (US 5,529,833 reference) in view of Sobuttka et al. (US 5,792,808).

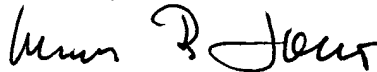
Applicants respectively traverse this rejection. The Office Action recognizes that Speer et al. fails to disclose that the Syloid® silica is amorphous and has the claimed mean pore diameter of less than 200 Angstroms, median particle size of less than 20 µm, and surface area of greater than 200 m²/gram. Further, the applicants respectfully submit that neither the primary nor secondary references appreciate the discovery that amorphous silicas can be used in conjunction with oxygen scavenging materials to control the production of unwanted by-products, and to improve organoleptic quality of the package. Sobuttka et al. offers certain amorphous silicas as enhanced anti-blocking agents, not as by-product scavengers. The Final Office Action also does not demonstrate *why* an antiblock agent would be used at all in a *sealing compound*. Antiblock agents are certainly common enough for use in web type films that are typically rolled up in tight rolls, where some means is sometimes necessary to avoid the film blocking to itself, rendering the film unusable. However, the Office Action points to no use of antiblock agents in sealing compounds. The motivation to combine Speer et al. and Sobuttka is therefore not demonstrated.

The applicants respectfully ask the Examiner to consider the above discussion, and to allow the claims as now presented. The Commissioner is authorized to charge any additional fees which may be required or credit any overpayment to Deposit Account No. 07-1765.

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Respectfully submitted,



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Date